Elective Home Education Policy

City of Westminster

THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. Purpose of this Policy

This policy sets out how Westminster City Council and the Royal Borough of Kensington and Chelsea will carry out their responsibilities in relation to Elective Home Education (EHE). It explains the legal framework that applies to children educated otherwise than at school and describes how the local authority will work with parents, carers, schools and partner agencies.

In this policy, “parent” has the meaning given in section 576 of the Education Act 1996 and includes a person who has parental responsibility for the child or who has care of the child.

The policy is intended to:

- Explain the rights of parents and carers who choose to educate their child at home.
- Clarify the responsibilities of parents, schools and the local authority.
- Describe how the local authority will establish whether a child is receiving a suitable education.
- Set out the support, information and guidance available to families who elect to home educate.
- Explain the steps the local authority may take where there is insufficient evidence that a suitable education is being provided.
- Ensure that the local authority fulfils its statutory duties in relation to children of compulsory school age.

The Bi-borough Admissions and Access to Education Team aims to work respectfully, proportionately and constructively with home-educating families. The local authority recognises that parents have the right to educate their children otherwise and respects parental choice.

This policy should be read alongside the Bi-borough Home Educator Information Guide and relevant legislation, statutory guidance and local safeguarding procedures. References to legislation and guidance should be taken to include any subsequent amendments, updates or replacement documents.

2. Who this Policy is For

This policy is for parents and carers, children and young people, schools, council staff and partner agencies involved in elective home education within Westminster City Council and the Royal Borough of Kensington and Chelsea. It explains the legal framework for elective home education, the responsibilities of parents, schools and the local authority, and how we will work with families to ensure children receive a suitable education.

3. What Elective Home Education Means

Elective Home Education (EHE) is a term used to describe a parent's or carer's decision to provide their child's education at home instead of sending them to school.

In England, education is compulsory, but attendance at school is not. Parents have a legal responsibility to ensure their child receives an efficient, full-time and suitable education that is appropriate to the child's age, ability, aptitude and any special educational needs they may have.

There is no prescribed number of teaching hours or requirement to follow a school-style timetable. Whether education is full-time will be considered in the context of the child's age, needs, circumstances and the education being provided.

Elective Home Education is different from:

- Education arranged by the local authority for children who cannot attend school.
- Alternative provision.
- Tuition provided by the local authority under section 19 of the Education Act 1996.
- Education provided through a school-managed arrangement.

Families who choose to home educate have flexibility in how learning is organised. There is no requirement to follow the National Curriculum, teach school subjects in a particular way, employ qualified teachers or replicate a school timetable. The education provided must, however, be suitable for the individual child.

4. Key Facts about Elective Home Education

✓ Parents may choose to educate their child at home, provided that they arrange suitable education.

✓ Children do not have to follow the National Curriculum.

✓ Parents do not need qualified teacher status.

✓ The local authority has a duty to make enquiries where it appears a suitable education may not be being provided.

✓ Parents are not required to agree to an EHE visit. They may provide information about their child's education in another suitable way. Separate safeguarding procedures may apply where there is information indicating that a child may be at risk of harm.

✓ Home educated children can access public examinations but families may need to arrange examination centres.

✓ Children with EHC Plans can be electively home educated.

The law does not prescribe one form of suitable education. Case law indicates that education should achieve what it sets out to achieve, prepare the child for life in their community and avoid closing off their reasonable future choices.

5. Parents' Responsibilities and Choices

Parents may choose Elective Home Education for a range of educational, philosophical, religious, cultural or personal reasons. Their legal responsibilities are explained below.

Parents' Responsibilities

Under section 7 of the Education Act 1996, parents are responsible for ensuring that their child receives an efficient, full-time and suitable education appropriate to their:

- Age
- Ability
- Aptitude
- Any special educational needs they may have.

When choosing to home educate, parents are responsible for:

- Planning and providing their child's education.
- Ensuring the education is suitable for their individual child.
- Meeting any costs associated with home education, including educational resources, activities and examination fees where applicable.
- Informing the school in writing if they wish to withdraw their child from roll for the purpose of elective home education, where this is permitted by law.
- Considering and responding to reasonable enquiries from the local authority.

Parents' Choices - Parents who elect to home educate:

- Do not have to follow the National Curriculum.
- Do not have to replicate school-based education.
- Do not need to employ qualified teachers.
- May choose different approaches to learning that reflect their child's needs and interests.
- Parents remain responsible for ensuring that the overall education is suitable, including where they use tutors, online learning platforms or other education providers. Parents are encouraged to satisfy themselves that anyone working with their child is suitable and that any setting used is safe and lawful.
- Are not required to teach specific subjects or follow school hours.

The local authority recognises that there are many successful approaches to home education. The local authority will take account of the individual circumstances of the child and all relevant information provided by the family.

6. Schools' Responsibilities

Schools play an important role in supporting families and ensuring that statutory requirements relating to Elective Home Education (EHE) are met.

When a parent decides to educate their child at home, schools should work constructively with the family and provide clear information about the process for withdrawing a child from the school roll. Schools should recognise that parents have a legal right to choose Elective Home Education and should not discourage or influence that decision for reasons relating to attendance, behaviour, academic attainment, special educational needs or the avoidance of exclusion.

Notification to the Local Authority - Where a child is registered at a mainstream school and the parent notifies the school in writing that the child is receiving education otherwise than at school, the school must notify the local authority and may delete the child's name from its admission register only when the relevant statutory ground in the School Attendance (Pupil Registration) (England) Regulations 2024 is satisfied. The school must not remove the child from roll merely because the parent is considering home education, because the child has stopped attending, or because the school considers that another form of education would be preferable.

Different arrangements apply where a child attends a special school under arrangements made by the local authority. In those circumstances, the child's name must not be removed from the admission register without the local authority's consent.

Information Sharing -To support effective engagement with families, schools may be asked to provide relevant background information, including:

- The child's attendance history.
- Information about the child's educational progress and attainment.
- Details of any special educational needs or support arrangements.
- Information about any additional services involved with the child or family.
- Any safeguarding concerns known to the school.

The local authority will consider this information alongside information provided by parents and carers when carrying out its responsibilities.

Safeguarding Responsibilities - Schools remain responsible for responding to any safeguarding concerns that arise before a child is removed from roll. Where there are concerns about a child's welfare, schools must follow their safeguarding procedures and work with relevant agencies in accordance with statutory safeguarding guidance. Elective Home Education is not, in itself, a safeguarding concern.

Off-Rolling and Informal Arrangements -Schools must not encourage or pressure parents to withdraw a child from school in order to:

- Improve attendance figures.
- Avoid permanent exclusion.
- Avoid meeting a child's special educational needs.
- Improve the school's attainment or performance data.
- Secure alternative arrangements outside the statutory framework.

Any decision to home educate must be made freely and voluntarily by the parent. Schools should ensure that parents understand the implications of Elective Home Education before a child is removed from roll.

7. How the Local Authority Works with Families

The Bi-borough Admissions and Access to Education Team is committed to working positively and respectfully with families who choose to educate their children at home. We recognise that parents have the legal right to electively home educate and that there are many different approaches to providing a suitable education.

When the local authority becomes aware that a child is being educated at home, we will contact the family to provide information about Elective Home Education and explain our role and responsibilities. We may invite parents and carers to share information about the education being provided so that we can understand how the child's educational needs are being met.

Parents are not required to meet with the local authority or agree to a home visit. Families may provide information in a way that works for them, including through a discussion in person or online, written information, educational plans, examples of learning or other relevant material.

Where the local authority is satisfied that a suitable education is being provided, we will offer periodic contact, information and signposting to services that may be of interest to home educating families. Where further information is required, we will explain our concerns clearly and seek to work with parents to address them before considering any formal intervention.

8. Assessing the Suitability of Education

An Elective Home Education Assessor will normally contact the family and offer an assessment discussion to understand the education being provided. This can be arranged either in person at an agreed location or virtually using a secure online platform, depending on the preference of the family. Families may also choose to provide information in writing or through other appropriate means.

When assessing the suitability of education, the local authority will consider whether the education provided appears to be:

- Efficient and achieving its intended aims.
- Suitable to the child's age, ability and aptitude.
- Suitable to any special educational needs the child may have.
- Supporting the child's learning, development and progress over time.
- Preparing the child for life within their community while keeping future educational and employment opportunities open.

To help the local authority reach an informed view, parents may choose to provide information such as:

- Educational plans or learning objectives.
- Examples of work, projects or activities.
- Reading records or learning journals.
- Online learning records.
- Reports from tutors or other educational providers.
- Photographs or descriptions of educational activities.

There is no prescribed format for providing this information, and home education does not need to replicate school-based education. The local authority will consider all information on its individual merits and will respect the family's chosen educational approach.

Where the local authority is satisfied that a suitable education is being provided, no further action will be required. Where further information is needed, the local authority will explain this to parents and seek to work collaboratively with families to address any concerns before considering formal intervention.

The local authority may contact families from time to time to offer information, guidance and support and to invite an update about the child's education.

Under section 436A of the Education Act 1996, the local authority must make arrangements to identify children of compulsory school age in its area who are not registered at school and are not receiving suitable education otherwise. The local authority may therefore make informal and proportionate enquiries where it is not clear whether a child is receiving suitable education.

Where it appears that a child of compulsory school age is not receiving suitable education, the local authority must consider whether action is required under section 437 of the Education Act 1996.

A child who is receiving suitable Elective Home Education is not a child missing education. A child will not be treated as missing education merely because the local authority has not yet had an opportunity to consider the suitability of the education being provided. However, Children Missing Education procedures may apply where the child's whereabouts are unknown or where the education has been assessed as unsuitable and the child is not otherwise receiving suitable education.

9. What Happens if There Are Concerns

The local authority recognises that most parents who choose Elective Home Education are committed to providing a suitable education for their child. Where concerns arise, our approach is to consider information provided by families and seek to resolve issues through discussion and the sharing of information wherever possible.

Concerns may arise where:

- **T**he available information does not enable the local authority to establish whether suitable education is being provided.

- Information indicates that the education may not be efficient, full-time or suitable.
- The child's educational needs, including any special educational needs, may not be being met.

Where concerns are identified, the local authority will explain these clearly to parents and carers and provide an opportunity for further information to be shared. An Elective Home Education Assessor may arrange further discussions with the family and agree a reasonable timescale for additional information or evidence to be provided.

The local authority will consider all information available, including information provided by parents, before reaching a decision. Our aim is to support families in addressing any concerns and to ensure that decisions are evidence-based, fair and proportionate.

Where concerns cannot be resolved and it appears that a child is not receiving a suitable education, the local authority may consider its statutory powers under section 437 of the Education Act 1996. Parents will be informed of any formal steps and given the opportunity to respond before further action is considered.

Key Points

- **We will explain concerns clearly and openly.**
- **Parents will have the opportunity to provide further information.**
- **We will seek to resolve concerns through discussion and engagement wherever possible.**
- **Decisions will be based on the individual circumstances of the child and the information available.**
- **Formal action will only be considered where concerns remain unresolved and the local authority is not satisfied that a suitable education is being provided.**

10. School Attendance Orders

If concerns remain unresolved following these enquiries, the local authority may begin the statutory School Attendance Order process.

The School Attendance Order Process

Step 1: Notice under section 437(1)

The local authority may issue a formal notice requiring the parent or carer to satisfy the local authority that their child is receiving a suitable education. The notice will explain the local authority's concerns and specify a period of at least 15 days within which the parent may satisfy the local authority that the child is receiving suitable education.

Step 2: Consideration of Information

The local authority will carefully consider any information provided by the parent, including details of the educational provision, learning activities, progress and any other relevant evidence.

Step 3: School Attendance Order

If the parent does not satisfy the local authority that the child is receiving suitable education, and the local authority considers that it is expedient for the child to attend school, the local authority must proceed in accordance with section 437 of the Education Act 1996. This may include serving a School Attendance Order requiring the parent to register the child at the school named in the Order.

After a School Attendance Order is Issued

A School Attendance Order does not prevent a parent from continuing to provide information about their child's education. A parent may ask the local authority to revoke a School Attendance Order at any time, including where they consider that suitable education is now being provided otherwise than at school. The local authority will consider the request, any information provided and all other relevant circumstances in accordance with the Education Act 1996.

The local authority will continue to work with families throughout this process and will ensure that any decisions are fair, proportionate and based on all relevant information available.

Key Points

- **Formal action is only considered where concerns cannot be resolved through discussion and engagement.**
- **Parents will be given the opportunity to provide information before a School Attendance Order is considered.**
- **All information provided by parents will be considered carefully and fairly.**
- **The local authority will continue to work positively with families throughout the process.**
- **A School Attendance Order is a legal measure used only where the local authority is not satisfied that a child is receiving a suitable education.**

11. Children with Special Educational Needs and EHC Plans

Parents of children of compulsory school age with special educational needs have the same right to choose Elective Home Education as other parents, subject to the additional requirements applying where a child attends a special school under arrangements made by the local authority. Any education provided at home must be suitable to the child's age, ability, aptitude and any special educational needs they may have.

Children with Education, Health and Care (EHC) Plans

Parents of children of compulsory school age with SEN may choose Elective Home Education in the same way as other parents, subject to the additional requirements that apply where a child is registered at a special school under arrangements made by the local authority.

Where a child or young person has an EHC Plan, the local authority will continue to maintain and review the Plan. Where the local authority is satisfied that the arrangements made by the parent are suitable, section 42(5) of the Children and Families Act 2014 provides that the authority is not required to secure the special educational provision specified in the Plan while those suitable arrangements continue. The annual review will consider the child or young person's needs, progress, outcomes and whether the educational arrangements remain suitable.

Children Attending Special Schools - Additional legal requirements apply where a child attends a special school under arrangements made by the local authority. In these circumstances, the child's name cannot be removed from the school roll for the purpose of Elective Home Education without the agreement of the local authority.

Working with Families -The local authority aims to work collaboratively with families of children with SEN and EHC Plans. An Elective Home Education Assessor may work alongside SEN colleagues to ensure that the child's needs are fully understood and considered when reviewing the suitability of the education being provided.

Parents are encouraged to share information about how their child's special educational needs are being met and any specialist support, therapies, resources or educational provision that form part of their home education arrangements.

Key Points

- **Parents of children of compulsory school age with SEN have the same right to choose elective home education as other parents, subject to the additional requirements that apply where a child attends a special school under arrangements made by the local authority**.
- **Home education must be suitable to the child's age, ability, aptitude and any special educational needs.**
- **The local authority will continue to review EHC Plans through the annual review process.**
- **Local-authority consent is required before a child registered at a special school under local-authority arrangements can be removed from roll for EHE**
- **The local authority will work in partnership with families to help ensure that children and young people with SEN continue to receive suitable educational provision.**

12. Safeguarding and Child Protection

The safety and wellbeing of children and young people is of paramount importance. Elective Home Education is not, in itself, a safeguarding concern and most parents who choose to educate their children at home do so because they believe it is the best educational option for their child.

Parents retain primary responsibility for their child's care, welfare and education. The local authority, schools and relevant partner agencies will continue to exercise their statutory safeguarding responsibilities.

The local authority does not have a general power to enter a family's home or to see a child solely because they are being educated at home. However, where information indicates that a child may be in need, the local authority will consider its responsibilities under section 17 of the Children Act 1989. Where there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, the local authority will act in accordance with section 47 of the Children Act 1989, Working Together to Safeguard Children 2026 and local safeguarding procedures

Where safeguarding concerns are identified, the local authority may:

- Seek further information from parents, schools or other agencies.
- Work with partner agencies to assess any concerns.
- Make referrals to Children's Social Care where appropriate.
- Take action in accordance with local child protection procedures.

The local authority will, where appropriate and reasonably practicable, seek to take account of the child's views and wishes when carrying out its responsibilities.

13. Returning to School

Parents who choose Elective Home Education may later decide that they would like their child to return to school. Parents should contact the Admissions and Access to Education Team as soon as possible for advice about the available options.

Where a child was withdrawn from a Kensington and Chelsea or Westminster school for Elective Home Education, the established local approach is normally for the child to return to the school they last attended. This arrangement is reflected in the applicable Fair Access Protocols and is intended to support a timely and supportive return to education.

The local authority will work with the family and the previous school in accordance with the relevant Fair Access Protocol and admissions arrangements. Individual circumstances will be considered, including whether the child remains within the scope of the applicable protocol.

If a parent does not want their child to return to the previous school, they must apply for another school through the normal in-year admissions process. Applications for other schools will be considered in accordance with the relevant school's published admission arrangements. A preferred school cannot be guaranteed, particularly where it has no available places.

The local authority will provide information and advice to families about returning to school, the in-year application process and the options available where a preferred school cannot offer a place.

Key Points

- **Contact the Admissions and Access to Education Team for advice about returning to school.**
- **The usual local approach is for the child to return to the Kensington and Chelsea or Westminster school they last attended, in accordance with the applicable Fair Access Protocol.**
- **If a different school is preferred, an in-year application is required and a place at the preferred school cannot be guaranteed.**

14. Support Available to Families

The Bi-borough Admissions and Access to Education Team is committed to supporting families who choose to educate their children at home. While parents are responsible for arranging and delivering their child's education, the local authority aims to provide information, guidance and signposting to help families access relevant support and services.

Families can access further information on each local authority's website.

- The Bi-borough Home Educator Information Guide, which provides practical information about Elective Home Education, local services and useful resources.
- A range of Frequently Asked Questions (FAQs) available on the council's website, covering common issues such as deregistration from school, examinations, support services and the local authority's role.
- Information about local and national organisations, groups and networks that support home educating families.
- Signposting to services that may be available to children and young people, including those with Special Educational Needs and Disabilities (SEND).
- Periodic contact providing updates, information and opportunities that may be of interest to home educating families. Further information and resources can be found on the council's Elective Home Education webpages, and families are encouraged to contact the Admissions and Access to Education Team if they require additional advice or guidance.

Links to these resources and the Council's EHE webpages are provided in the Contact Details and Further Information section.

15. Legislation, Guidance and Review Arrangements

This policy has been developed with reference to current legislation, statutory guidance and best practice relating to Elective Home Education (EHE), Children Missing Education (CME), safeguarding and special educational needs. The Bi-borough Admissions and Access to Education Team will carry out its responsibilities in accordance with the legislation and guidance in force at the time**.**

Key Legislation

This policy should be read alongside the following legislation (as amended):

- Education Act 1996, including Sections 7, 436A and 437.
    - Education Act 2002, Section 175 (safeguarding duties)
- Education Act 1996, Section 576.
- Children Act 1989.
- Children Act 2004.
- Children and Families Act 2014.
- School Attendance (Pupil Registration) (England) Regulations 2024.
- Equality Act 2010.
- Human Rights Act 1998.

Relevant Statutory Guidance

The local authority will have regard to the following guidance and any subsequent updates:

- **Elective Home Education: Guidance for Local Authorities**, Department for Education, updated 19 August 2024.
- **Elective Home Education: Guidance for Parents**, Department for Education.
- **Children Missing Education: Statutory Guidance for Local Authorities and Schools**, Department for Education, updated 8 September 2025.
- **Working Together to Improve School Attendance**, Department for Education, updated July 2026.
- **Working Together to Safeguard Children 2026**, Department for Education, updated 18 March 2026.
- **Special Educational Needs and Disability Code of Practice: 0 to 25 Years**, Department for Education and Department of Health.

Future Legislative Changes - The Children's Wellbeing and Schools Act 2026 introduces provisions affecting children who are not registered at school. Different provisions come into force on dates appointed by legislation, and some require regulations or statutory guidance before they can operate fully. The Council will apply the law in force at the relevant time and will review this policy when provisions affecting Elective Home Education, children not in school or School Attendance Orders are commenced.

Policy Review - This updated version of the policy has been produced to improve the quality, accessibility and clarity of information available to parents, carers, schools, partner agencies and local authority officers. The review is intended to make the policy easier to understand while ensuring that families and professionals have access to up-to-date information about Elective Home Education.

The revised policy does not introduce any changes to the way Westminster City Council and the Royal Borough of Kensington and Chelsea carry out their Elective Home Education responsibilities, assessments or statutory processes. The purpose of the review is to improve understanding of the existing arrangements and to reflect current legislation and guidance.

The policy will be reviewed periodically and updated as required to reflect changes in legislation, statutory guidance, local procedures and national policy developments.

16. Contact Details and Further Information

The Bi-borough Admissions and Access to Education Team is responsible for carrying out the local authority's duties in relation to Elective Home Education.

Admissions and Access to Education Team
Bi-borough Children's Services
Kensington Town Hall
Hornton Street
London
W8 7NX

Telephone: 020 7745 6439 / 020 7745 6448

Email: home.education@rbkc.gov.uk

Families can find further information about Elective Home Education, including the Home Educator Information Guide and Frequently Asked Questions on each local authority's website.

The local authority will process personal information in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018. Information will be collected, used, retained and shared only where there is a lawful basis and where this is necessary and proportionate for the exercise of education, safeguarding or other statutory functions. Further information, including how long information is retained and the rights of individuals, is available in the relevant Council privacy notice on the website.

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17. Complaints and Accessible Information

Complaints and Feedback

Parents and carers who are dissatisfied with the way the local authority has handled their case may use the relevant Council's complaints procedure. The Admissions and Access to Education Team can provide information about how to make a complaint.

Accessible Information

We will make reasonable adjustments to support disabled parents, carers, children and young people to engage with the Elective Home Education process. This may include providing information in an accessible format, adjusting how meetings or discussions take place, or supporting an alternative method of communication

If you need this policy in another language, large print or another accessible format, please contact the Admissions and Access to Education Team using the contact details in section 16.

Appendix A

Elective Home Education (EHE) Process Flow Chart

1. Parent decides to home educate You choose to provide your child's education at home rather than at school.
⬇
2. Parent tells the school If your child is on roll at a school, you should notify the school in writing that you wish to electively home educate.

⬇

3. Local Authority contacts the parent

The Admissions and Access to Education Team provides information about home education, explains the Local Authority's role and answers questions.

⬇

4. Parent shares information about education

This may include learning plans, examples of work, educational activities, discussions with the EHE Assessor or other helpful information. A home visit is not required.

⬇

5. Local Authority considers the information

Is there enough information to show that suitable education is being provided?

YES Suitable education is confirmed.	**NO / NOT ENOUGH INFORMATION** The Local Authority may ask for further information or discuss concerns with the parent.
⬇	⬇
Child continues in Elective Home Education The Local Authority maintains periodic contact, provides information and guidance, and signposts support and services.	**Concerns remain** The Local Authority may consider whether further action is needed, including use of school attendance order procedures where appropriate.